



[Russia - Belgorod Regional Court, judgment №33-3021/2012](#)

The applicant has been residing in Russia since 2002 with a Russian passport. His request to renew his passport in 2011 was denied, reason being that his previous passport was not issued in accordance with applicable rules, the latter having been confiscated on the basis of the same decision. The refusal to renew the applicant's passport rendered him stateless, which was considered by the court as a strong argument to rule in favour of the applicant and declare the decision of the responsible authority unlawful.

Case status: Decided

Case number: № 33-3021/2012

Date of decision: 25/09/2012

State: Russian Federation

Court / UN Treaty Body: Belgorod Regional Court

Language(s) the decision is available in: Russian

Applicant's country of residence: Russian Federation

Legal instruments: 1997 European Convention on Nationality, Universal Declaration of Human Rights (UDHR)

Key aspects: Deprivation of nationality, Determination/confirmation of nationality , Passport restoration, State succession

Relevant Legislative Provisions:

Article 15 of the Universal Declaration on Human Rights

Article 4(b) of the European Convention on Nationality of 6 November 1997

Article 6 of the Constitution of the Russian Federation

Federal Law of 31 May 2002 N 62-Φ3 'On Citizenship of Russian Federation'

Facts

The applicant permanently resided in Russia since 2002, and has been issued a Russian passport on 15 February 2002. In 2011 he applied to renew his passport, which was refused, as the responsible authority has concluded on 12 January 2013 that the applicant's passport has been issued in violation of applicable rules, and needs to be confiscated. The applicant disputed in court the decision refusing to renew his passport.

Decision & Reasoning

The Court reasoned as follows:

"According to Article 10 of the Federal Law of 31 May 2002 N 62-Φ3 'On Citizenship of the Russian Federation' a passport is evidence of citizenship."

"According to the passport of the applicant series 5300 № 426174, he is a citizen of Russian Federation"

"The [responsible authority] in its decision of 12 January 2012 concluded that the passport has been issued not in accordance with applicable rules, and has to be confiscated. As a consequence, this disputed decision in fact annuls an earlier decision about recognising the applicant as a citizen of Russian Federation."

"According to Article 22 of the above mentioned Law a decision on acquisition of the citizenship of Russian Federation can be annulled when it has been established that such a decision was taken on the basis of false documents provided by the applicant, or purposefully untruthful information. The fact of documents having been false or the information having been untruthful needs to be established in court."

"The case file does not contain any information or proof that applicant was issued his passport in violation of the applicable rules, or through filling out a lost or stolen passport template."

"Under such circumstances, a decision which results in depriving the applicant of his nationality in violation of the procedure established by Article 22 of the Federal Law 'On Citizenship of the Russian Federation' cannot be considered in accordance with relevant federal laws or in accordance with the norms of international law."

"Article 6 of the Constitution of the Russian Federation established that a citizen of

Russian Federation cannot be deprived of his Russian citizenship. This is in line with Article 15 of the Universal Declaration on Human Rights [...]."

"In accordance with generally accepted principles and norms of international law, as well as of the Constitution of the Russian Federation, decisions on loss of nationality need to take into account whether the person concerned has another nationality, or alternatively guarantees of acquiring another nationality."

"There is no evidence that the applicant has another citizenship or intends to acquire another citizenship, and the parties have not claimed this to be the case. To the contrary, evidence suggests that the applicant and his family reside permanently on the territory of Russian Federation since 2002, and have acquired land and a house."

"According to Article 4(6) of the Federal Law 'On Citizenship of the Russian Federation', Russia encourages acquisition of Russian nationality by stateless persons. This illustrates the commitment of Russia to the international principle of avoiding statelessness among individuals living on its territory, which is in line with Article 4(b) of the European Convention on Nationality of 6 November 1997."

Decision documents

[Belgorod 25Sept2012.pdf](#)

Outcome

The Court ruled in favour of the applicant, declaring the decision on the confiscation of his passport unlawful, and confirming his Russian nationality.